

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FIBPT03059WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/007986	International filing date (day/month/year) 16.07.2004	Priority date (day/month/year) 22.07.2003	
International Patent Classification (IPC) or national classification and IPC F16F15/00			
Applicant FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER ANGEWANDTEN FORSCHUNG E.V.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of 3 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

**CORRECTED
VERSION**

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-36 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-8 received by this Authority on 24.10.2005 with telefax
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/12-12/12 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. 9 _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-8	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: GB-A-2 222 657 (TOPEXRESS LTD), 14 March 1990
 (1990-03-14)

D2: EP-A-756 103 (& DE-C-195 27 514, already mentioned
 in the application)

D3: DE-A-199 25 982

Documents D2 and D3 were not cited in the international search report.

1. Document D1, which is considered to represent the closest prior art, discloses (see figure 3; page 9, paragraph 2; the references in parentheses are to that document):

an intermediate body for reducing mechanical vibrations and comprising a base connection element (20), a load connection element (18, 16) and at least one support element (20),
 (a) at least one first energy converter system (22) extending between at least one contact point located on the base connection element and at least one contact

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

point located on the load connection element;

(b) at least one second energy converter system (26) extending between at least one contact point located on the support element and at least one contact point located on the load connection element;

(c) the base connection element being joined to the at least one support element by at least one pretensioning device (30) in such a way that a prestress [which can also be equal to zero] can be applied by the pretensioning device to the first and second energy converter systems; and

(d) the load connection element comprising a portion (16) which lies in a gap between the base connection element and the support element and a portion (18) which lies outside the gap between the base connection element and the support element.

The subject matter of claim 1 differs therefrom in that

the pretensioning device is elastic and designed as a tube that encloses the actuator systems (c1).

The subject matter of claim 1 is thus novel (PCT Article 33(2)).

2. The present invention can therefore be considered to address the problem of providing a pretensioning device which transmits less undesirable disrupting energy and is stabilised against shearing forces, and at the same time protects the actuator system from environmental influences.

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The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)) because, although unidirectional pretensioning devices are known from D2, the prior art does not contain any indication of its combination with the subject matter of D1.

3. Claims 2-8 are dependent on claim 1 and thus also meet the PCT novelty and inventive step requirements.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Contrary to PCT Rule 5.1(a)(iii), the description is not in line with the claims.

The embodiments described on pages 24 and 26 and represented in figures 9 and 10 do not fall under the present claims. This contradiction between the claims and the description raises doubts as to the subject matter for which protection is sought, and for this reason the claims are unclear (PCT Article 6).

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.